

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WESTLEY RETZLER, <i>et al.</i>,	:	
Plaintiffs,	:	
	:	
v.	:	CIVIL ACTION NO. 19-CV-4890
	:	
FRANCIS X. PHILLIPS, <i>et al.</i>,	:	
Defendants.	:	

ORDER

AND NOW, this 10th day of December 2019, upon consideration of Plaintiff Westley Retzler's and Laura Warden's Third Amended Complaint (ECF No. 4), it is **ORDERED** that:

1. All claims asserted against Defendants William McCauley, III, Adam Flager, Randall Flager, Bristol Township Sewer Department, Portnoff Law Associates, John Doe #1, John Doe #2, Bristol Township, Patrick Antonello, Craig Bowen, Cynthia Murphy, Joseph Glasson, John Monahan, Raymond Blalock, Maryanne Wagner, Michelle Portnoff, Robert P. Daday, Diane M. Boehret, James R. Wood, Michael S. Levin, Flager Associates, and Russel P. Sacco pursuant to 42 U.S.C. § 1983 are **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

2. The Clerk of Court shall issue a summons to Defendant Francis X. Phillips. Service of the summons and the Third Amended Complaint shall be made upon the Defendant by the U.S. Marshals Service.

3. The Clerk of Court is **DIRECTED** to forward Retzler and Warden's completed Form USM-285 to the U.S. Marshals Service.

4. Only Defendant Francis X. Phillips shall file a responsive pleading.

5. All original pleadings and other papers submitted for consideration to the Court in this case are to be filed with the Clerk of Court. Copies of papers filed in this Court are to be

served upon counsel for all other parties (or directly on any party acting *pro se*). Service may be made by mail. Proof that service has been made is provided by a certificate of service. The certificate of service should be filed in the case along with the original papers and should show the day and manner of service. An example of a certificate of service by mail follows:

“I, (name), do hereby certify that a true and correct copy of the foregoing (name of pleading or other paper) has been served upon (name(s) of person(s) served) by placing the same in the U.S. mail, properly addressed, this (day) of (month), (year).

(Signature)”

6. Any request for court action shall be set forth in a motion, properly filed and served. The parties shall file all motions, including proof of service upon opposing parties, with the Clerk of Court. The Federal Rules of Civil Procedure and Local Rules are to be followed. Retzler and Warden are specifically directed to comply with Local Civil Rule 7.1 and serve and file a proper response to all motions within fourteen (14) days. Failure to do so may result in dismissal.

7. Retzler and Warden are specifically directed to comply with Local Rule 26.1(f) which provides that “[n]o motion or other application pursuant to the Federal Rules of Civil Procedure governing discovery or pursuant to this rule shall be made unless it contains a certification of counsel that the parties, after reasonable effort, are unable to resolve the dispute.” Retzler and Warden shall attempt to resolve any discovery disputes by contacting Defendants’ counsel directly by telephone or through correspondence.

8. No direct communication is to take place with the United States District Judge or United States Magistrate Judge with regard to this case. All relevant information and papers are to be directed to the Clerk of Court.

9. In the event a summons is returned unexecuted, it is Retzler's and Warden's responsibility to ask the Clerk of Court to issue an alias summons and to provide the Clerk with the Defendant's correct address, so service can be made.

10. The parties should notify the Clerk's Office when there is an address change. Failure to do so could result in court orders or other information not being timely delivered, which could affect the parties' legal rights.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Berle M. Schiller", followed by a horizontal line.

Berle M. Schiller, J.